



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL  
MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

June 21, 2007

The Honorable A. Ralph Mollis  
Secretary of State  
State of Rhode Island  
337 Westminster Street  
Providence, RI 02903

Dear Secretary Mollis:

Attached please find the Rhode Island Department of Environmental Management's Regulatory agenda submission for June 2007.

If you have any questions regarding this submission, please contact my office.

Sincerely,

W. Michael Sullivan, Ph.D.  
Director

c/ Governor Donald L. Carcieri  
Secretary of State Office – Administrative Records  
President Joseph Montalbano  
Speaker William Murphy

## REGULATORY AGENDA – JUNE 15, 2007

**Agency Name and Address:**

Rhode Island Department of Environmental Management  
235 Promenade Street  
Providence, Rhode Island 02908  
401.222.2771

**PART I - Rules Promulgated *JANUARY 16, 2007 through JUNE 15, 2007:***

Please indicate if your agency did not promulgate rules during this period, OR complete the following for each rule promulgated:

| ERLID | Type Filing        | Title   | Effective Date |
|-------|--------------------|---|----------------|
| 4479  | Amendment          | Rules & Regulations governing the Administration & Enforcement of the Freshwater Wetlands Act                     | 06/01/2007     |
| 4623  | Amendment          | Rhode Island & Marine Fisheries Statutes & Regulations – Part XI – Commercial Fisheries                           | 05/31/2007     |
| 4624  | Amendment          | Rhode Island & Marine Fisheries Statutes & Regulations – Part XII – Stripe Bass                                   | 5/31/2007      |
| 4654  | Amendment          | Rhode Island & Marine Fisheries Statutes & Regulations – Part XII – Marine Fisheries Council                      | 5/25/2007      |
| 4641  | Technical revision | Rhode Island & Marine Fisheries Statutes & Regulations – Part I – Legislative Findings                            | 5/23/2007      |
| 4645  | Amendment          | Rhode Island & Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council                      | 5/23/2007      |
| 4609  | Amendment          | Rhode Island & Marine Fisheries Statutes & Regulations – Part VII – Minimum Sizes of Fish/Shellfish               | 5/17/2007      |
| 4326  | Adoption           | Air Pollution Control Regulation No. 43-General Permits for Smaller-Scale Electric Generation Facilities          | 5/15/2007      |
| 4325  | Amendment          | Air Pollution Control Regulation No. 9-Air Pollution Control Permits  | 5/15/2007      |
| 4585  | Amendment          | Rhode Island & Marine Fisheries Statutes & Regulations – Part XV – Lobsters, Other Crustaceans, & Horseshoe Crabs | 5/1/2007       |
| 4615  | Amendment          | Rhode Island & Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council                      | 4/30/2007      |
| 4601  | Amendment          | Rhode Island & Marine Fisheries Statutes & Regulations – Part VII – Minimum Sizes of Fish/Shellfish               | 4/13/2007      |
| 4575  | Amendment          | Rhode Island & Marine Fisheries Statutes & Regulations – Part I – Legislative Findings                            | 4/10/2007      |
| 4576  | Amendment          | Rhode Island & Marine Fisheries Statutes & Regulations – Part XV – Lobsters, Other Crustaceans, & Horseshoe Crabs | 4/10/2007      |
| 4581  | Amendment          | Rhode Island & Marine Fisheries Statutes & Regulations – Part III – Part VII Minimum Size of Fish/Shellfish       | 3/23/2007      |
| 4342  | Amendment          | Rules & Regulations for Hazardous Waste Management  | 3/4/2007       |
| 4540  | Amendment          | Rhode Island & Marine Fisheries Statutes & Regulations – Part VII – Minimum Sizes of Fish/Shellfish               | 2/23/2007      |
| 4454  | Amendment          | Rhode Island & Marine Fisheries Statutes & Regulations – Part XIV – Fish Traps                                    | 2/12/2007      |

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|-------|--------------------|---|----------------|
| 4489  | Technical Revision | Rhode Island & Marine Fisheries Statutes & Regulations – Part VII – Minimum Sizes of Fish/Shellfish | 2/2/2007       |
| 4461  | Amendment          | Rhode Island & Marine Fisheries Statutes & Regulations – Part VII – Minimum Sizes of Fish/Shellfish | 1/23/2007      |
| 4403  | Technical Revision | 2007 Management Plan for the Shellfish Fishery Sector   | 1/19/2007      |
| 4479  | Amendment          | Administration & Enforcement of the Fresh Water Wetlands Act (Phases II & III)                      | 6/1/2007       |

**PART II - Expected Rule-making Activity *JUNE 16, 2007 through JANUARY 15, 2008*:**

Please indicate if your agency does not anticipate rule-making activity during this period, OR complete the following for each rule anticipated:

| Type Filing | Title/Subject Area   | Objective   | Legal Basis                                  | Anticipated Schedule  | Agency Contact  | Interested Parties  |
|-------------|--|---|--|---|---|---|
| Amendment   | Rules & Regulations For The Priority Determination System For Federal & State Assistance To Local Governmental Units For Construction Of Water Pollution Abatement Projects. | Publish FY 2008 Project Priority List   | RIGL Chapters: 46-12.2, 42-17.1, & 46-12     | DEM expects to complete the rule making process during the third quarter 2007     | Jay Manning<br>222-3961 Ext. 7254   | Cities & Towns  |
| Amendment   | Rules & Regulations Pertaining To The Administration & Enforcement Of The Fresh Water Wetlands Act   | Establish a new categorical preliminary determination to streamline processing routine wetlands permit applications. Requires self-certification for compliance with permits. | RIGL Chapters: 2-1-18 through 2-1-25 & 42-35 | DEM expects to complete the rule making process during the fourth quarter of 2007 | Alicia Good,<br>Office of Water Resources, 222-4700, Ext. 7200<br>Ron Gagnon,<br>Office of Technical & Customer Assistance, 222-4700, Ext. 7500 | Developers/builders, property owners, municipal officials, state agencies, & the environmental community. |

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|-------------|--|--|--|---|--|---|
| Amendment   | Rules & Regulations For The Operation & Maintenance Of Wastewater Treatment Facilities   | Provide adequate assurances for the proper short, long-term & emergency operations, maintenance, funding & oversight of wastewater treatment facilities & collection systems.  | RIGL Chapters;46-12 & 42-35  | DEM expects to complete the rule making process during the third quarter of 2007  | Bill Patenaude, Office of Water Resources, 222-4700,Ext. 7264  | Waste Water Treatment Facilities (WWTF) operators, municipalities, owners of private collection systems, O&M contract firms, utilities (inc. power & communications). |
| Amendment   | Rules & Regulations Establishing Minimum Standards Relating To Location, Design, Construction & Maintenance Individual Sewage Disposal Systems | Substantially Update The Sitting & Design Standards For Septic Systems Including Septic Tanks, Grease Traps, Leach fields & Other Components Of A System; Clarify & Streamline Administrative Requirements; & Provide A Comprehensive Recompile Of The ISDS Rule To Enhance Readability. | RIGL Chapter: 42-35, 42-17.1, 5-56, 5-56.1, 23-19.5, & 23-24.3             | DEM expects to complete the rule making process during the fourth quarter of 2007 | Ernie Panciera, Office of Water Resources, 222-4700, Ext. 7603 | ISDS designers, engineers, & those in the development industry; homeowners; municipalities  |
| Amendment   | Rules & Regulations For Groundwater Quality  | Update The Groundwater Classification Map & The Wellhead Protection Area Map; & Minor Language Changes   | RIGL Chapters: 42-35, 46-12, 46-13.1, 23-18.9, 23-19.1, 42-17.6, & 42-17.1 | DEM expects to complete the rule making process during the fourth quarter of 2007 | Ernie Panciera, Office of Water Resources, 222-4700 Ext.7603   | Water Suppliers, communities, property owners in affected areas, consultants  |

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|-------------|---|--|---|--|--|--|
| Amendment   | Rules & Regulations Governing The Establishment Of Various Fees                       | Correct one error in the fee schedule from previous promulgation   | RIGL Chapters: 42-35, 42-17.1, 46-12, 46-13.1, 46-13.2, 23-23 | DEM expects to complete the rule making process during the second quarter of 2007  | Lisa McGreavy, Office of Water Resources, 222-4700 Ext.7611  | RIPDES permitted dischargers with individual major flows < 1 MGD     |
| Amendment   | Definitions In Air Pollution Control Regulations                                      | Update the definition of “Volatile Organic Compound” in the air pollution control regulations to be consistent with the federal definition. Create a central list of consistent definitions for 15-20 terms used in several APC regulations & remove the definitions of those terms (including VOC) from individual APC regulations. | RIGL Chapters 23-23(12) & 42-35                               | DEM expects to complete the rule making process during the second quarter of 2007. | Barbara Morin, Office of Air Resources, 222-2808, ext. 7012  | Businesses, industry & other entities subject to RI APC regulations. |
| Amendment   | Rhode Island & Motor Vehicle Inspection & Maintenance Program (APC Regulation No. 34) | Adjust RI Vehicle Inspection & Maintenance Program to match EPA requirements.  | RIGL Chapters 31-47.1 & 42-35                                 | DEM expects to complete the rule making process during the third quarter of 2007.  | Frank Stevenson, Office of Air Resources 222-2808, ext. 7021 | Auto inspection & maintenance stations.                              |

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|-------------------------------|---|---|------------------------------|---|---|---|
| Repeal of existing regulation | Nitrogen Oxides Allowance Program             | REPEAL. This regulation required Rhode Island & power plants to meet an emission budget for nitrogen oxides as part of a regional emission control program. This program expired in 2002 & was replaced by a requirement for power plants to participate in the NOx Budget Trading Program required by APC Reg. No. 41. | APC Regulation No. 38        | DEM expects to complete the process of repealing the regulation during the third quarter of 2007. | Doug McVay, Office of Air Resources, 222-4700, ext. 7011                      | Rhode Island & power plants   |
| New regulation                | Anti-Idling                                   | Establish new regulations to address unnecessary idling of diesel-powered motor vehicles & non-road diesel equipment.   | RIGL Chapters 23-23-9.2      | DEM expects to complete the rule-making process by the end of the second quarter of 2007.         | Frank Stevenson, Office of Air Resources, 222-4700, ext. 7021                 | Operators of diesel equipment & fleets, such as bus companies, school bus operators, construction companies, DOT, RIPTA |
| Amendment                     | Dredging & The Management Of Dredge Materials | Revise & clarify public notice requirements for dredging projects.  | RIGL Chapters 46-6.1 & 42-35 | DEM expects to complete the rule making process by the end of the fourth quarter of 2007.         | Ronald Gagnon, Office of Technical & Customer Assistance, 222-4700, ext. 7500 | Marina owners, CRMC, boating public & waste processors.   |

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|----------------|---|---|---|---|---|--|
| New regulation | Inspections Of Dams & Reservoirs                    | Establish a regulatory framework for several of the major provisions of the state's current dam safety law. Identify minimum requirements for maintenance of a dam, registration of a dam, & responsibilities of the department & dam owners in inspecting & repairing dams. Adopt a formal hazard classification system for dams & improve regulatory oversight of dams. | RIGL Chapters 46-19, 42-17.1, & 42-35     | DEM expects to complete the rule making process during the fourth quarter of 2007.        | David Chopy, Office of Compliance & Inspection, 222-4700, ext. 7257           | Dam owners, cities & towns, property owners adjacent to & downstream of open water bodies created by a dam, & members of the general public who use water bodies created by a dam for recreational purposes. |
| Amendment      | Mercury-Added Products – Convenience Light Switches | Incorporate changes adopted by RI General Assembly which mandates a bounty program for mercury-added motor vehicle convenience light switches.  | RIGL Chapters 23-19.1-6, 23-24.9, & 42-35 | DEM expects to complete the rule making process by the end of the second quarter of 2007. | Ronald Gagnon, Office of Technical & Customer Assistance, 222-4700, ext. 7500 | Automobile manufacturers & recyclers.  |

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|-------------|--|---|---|--|--|---|
| Amendment   | Composting & Solid Waste Management Facilities | Amend solid waste regulations in accordance with recent legislative changes governing beneficial reuse projects (BUD) & tree stumps/ waste. Revisions to solid waste fees also anticipated. | RIGL Chapters 23-18.9, 42-17.1, & 42-35                             | DEM expects to complete the rule making process during the fourth quarter of 2007. | Leo Hellested, Office of Waste Management, 222-4700, ext. 7502 | Municipalities, solid waste management community, & compost facilities.   |
| Amendment   | Hazardous Waste                                | Incorporation of new federal manifest rules. Additional revisions may include updates for treatment, storage, & disposal facilities to incorporate federal changes through July 2005.       | RIGL Chapters 23-19.1, 42-17.1, 46-12, 23-23, 23-18.9, & 42-35      | DEM expects to complete the rule making process during the fourth quarter of 2007. | Leo Hellested, Office of Waste Management 222-4700, ext. 7502  | Hazardous waste transporters, businesses, industry, municipalities, & state agencies that generate, transport, or deal with hazardous wastes. |
| Amendment   | Underground Storage Tanks                      | Make revisions to address requirements of the new federal Energy Act, including delivery prohibition, “red tag” provisions, & new inspection requirements.                                  | RIGL Chapters 42-17.1-2 & 42-35                                     | DEM expects to complete the rule making process during the third quarter of 2007.  | Kevin Gillen, Office of Waste Management, 222-4700, ext. 7116  | Underground storage tank owners, municipalities, & environmental consultants.   |
| Amendment   | Site Remediation                               | Incorporate revisions based upon review of current standards & fees.  | RIGL Chapters 23-19.1, 23-19.14, 42-17.1-2, 46-12 & 46-13.1 & 42-35 | DEM expects to complete the rule making process during the fourth quarter of 2007. | Leo Hellested, Office of Waste Management 222-4700, ext. 7502  | Environmental consultants, regulated community, & environmental organizations.  |



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|-----------------|---|--|--|--|---|--------------------------------|
| Annual Adoption | Hunting Regulations for 2007-2008 Season                | Establish conditions and requirements for hunting, bag limits, seasons, etc. in accordance with federal guidelines and public comment                        | RIGL Chapters 20-1-4, 20-1-12, 20-1-13, 42-17.1, 42-17.6 & 42-35                           | DEM expects to complete the rule making process during the third quarter of 2007.  | Michael Lapisky, Fish & Wildlife 789-7083 | Recreational hunters/trappers  |
| Annual Adoption | Freshwater Fishing Regulations for the 2008-2009 Season | Establish conditions and requirements for fishing species, minimum size restrictions, seasons, etc. in accordance with federal guidelines and public comment | RIGL Chapters 20-1-4, 20-1-12, 20-1-13, 42-17.1, 42-17.6 & 42-35                           | DEM expects to complete the rule making process during the third quarter of 2007.  | Michael Lapisky, Fish & Wildlife 789-7083 | Recreational anglers           |
| Annual Adoption | RI Falconry Regulations for the 2007-2008 Season        | Allow for the managed practice of falconry in RI   | RIGL Chapters 20-1-4, 20-1-12, 20-1-13, 42-17.1, 42-17.6 & 42-35                           | DEM expects to complete the rule making process during the fourth quarter of 2007. | Michael Lapisky, Fish & Wildlife 789-7083 | Falconers/recreational hunters |
| Annual Adoption | Waterfowl Hunting Regulations for 2007-2008 Season      | Establish seasons, bag limits, and methods by which waterfowl hunting may be carried out in RI   | RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 20-2-35, 20-2-37, 42-17.1, 42-17.6 & 42-35 | DEM expects to complete the rule making process during the fourth quarter of 2007. | Michael Lapisky, Fish & Wildlife 789-7083 | Recreational hunters           |

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|-------------|---------------------------|--|-------------------|---|--|----------------------------------|
| Amendment   | Comprehensive Animal Care | Humane Treatment of Animals. Establish comprehensive animal care regulations, including new licensure requirements, procedures and protocols for the intake, relinquishment, sheltering, transfer and adoption of animals to and from the public | RIGL Chapters 4-1 | DEM expects to complete the rule making process during the third quarter of 2007. | Dr. Peter Belinsky 222-4700 ext.. 4508 | ACO's etc                        |
| Amendment   | Sheep & Goat              | Scrappies. Keep Rhode Island in compliance with federal regulations governing scrapies, a fatal, degenerative disease affecting the central nervous system of sheep and goats.   | RIGL Chapters 4-4 | DEM expects to complete the rule making process during the third quarter of 2007. | Dr. Peter Belinsky 222-4700 ext. 4508  | Sheep & Goat Producers           |
| Amendment   | Animal Import & Export    | Animal Diseases. Update the regulations governing the importation of animals, particularly with regard to the required import permits, certificates of veterinary inspection, and disease-free certification.                                    | RIGL Chapters 4-4 | DEM expects to complete the rule making process during the third quarter of 2007. | Dr. Peter Belinsky 222-4700 ext. 4508  | All animal importers & Exporters |

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### PART III - Expected Rule-making Activity *JANUARY 16, 2008 through JUNE 15, 2008:*

*Please indicate if your agency does not anticipate rule-making activity during this period, OR complete the following for each rule anticipated:*

| Type Filing | Title/Subject Area   | Objective  | Legal Basis   | Anticipated Schedule  | Agency Contact   | Interested Parties   |
|-------------|--|--|---|---|--|--|
| Amendment   | Rules & Regulations For The Underground Injection Control Program                              | Major revision & update of all aspects of the Rules  | RIGL Chapters: 42-35, 42-17.1, 46-12, 46-13.1                 | DEM expects to complete the rule making process during the second quarter of 2008               | Ernie Panciera, Office of Water Resources, 222-4700 Ext.7603 | Commercial & industrial property owners, consultants   |
| Amendment   | Rules & Regulations For The Treatment, Disposal, Utilization & Transportation Of Sewage Sludge | The purpose is to clarify ambiguous sections of the rules & regulations & to consolidate the format of the regulations.  | RIGL Chapters: 42-17, 42-17.6, 46-12, 23-18.9, 23-19.1, 42-35 | DEM expects to complete the rule making process the regulation during the first quarter of 2008 | Warren Towne, Office of Water Resources, 222-4700, Ext. 7247 | Municipalities (WWTFs), WWTF Contract Operators, Agriculture Industry, Landscaping Industry, Fertilizer Industry |
| Amendment   | APC Regulation No. 22 "Air Toxics"   | Modify requirements for preconstruction permits for degreasers to be consistent with APC Regulation No. 9. Modify certain requirements for air toxics operating permits & certain Acceptable Ambient Levels. | RIGL Chapter 23-23  | DEM expects to complete the rule making process during the first quarter of 2008.               | Barbara Morin, Office of Air Resources, 222-2808, ext. 7012  | Degreasers & sources that emit air toxics.   |

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|----------------|---|--|-----------------------------------|--|--|---|
| New regulation | Regional Greenhouse Gas Initiative (RGGI)   | To require the Rhode Island &'s electric power plants to participate in a regional cap & trade program limiting carbon dioxide emissions.                | RIGL Chapters 23-23-5(12) & 42-35 | DEM expects to complete the rule making process during the second quarter of 2008. | Barbara Cesaro, Office of Air Resources, 222-2808, ext. 7019 | Electric generating facilities (5) & environmental advocates. |
| New regulation | APC Regulation No. 46<br>"Control Of Volatile Organic Compound Emissions From Adhesives"                    | Reduce emissions from adhesives of VOC, which are precursors to ozone.   | RIGL Chapters 23-23               | DEM expects to complete the rule making process during the first quarter of 2008.  | Barbara Morin, Office of Air Resources, 222-2808, ext. 7012  | Manufacturers of adhesive products.                           |
| Amendment      | APC Regulation No.11,<br>"Petroleum Liquids Marketing & Storage"  | Modify Stage II requirements.  | RIGL Chapter 23-23                | DEM expects to complete the rule making process during the second quarter of 2008. | Barbara Morin, Office of Air Resources, 222-2808, ext. 7012  | Gasoline station owners & operators.                          |
| Amendment      | APC Regulation No. 25<br>"Control Of Volatile Organic Compound Emissions From Cutback & Emulsified Asphalt" | Reduce emissions from asphalt of VOC, which are precursors to ozone. Make requirements consistent with those of other Ozone Transport Commission states. | RIGL Chapter 23-23                | DEM expects to complete the rule making process during the first quarter of 2008.  | Ted Burns, Office of Air Resources, 222-2808, ext. 7013      | Municipalities, asphalt pavers.                               |
| Amendment      | APC Regulation No. 36<br>"Control Of Emissions From Organic Solvent Cleaning"                               | Modify control requirements for degreasers so they are consistent with Federal requirements & requirements in other APC regulations.                     | RIGL Chapter 23-23                | DEM expects to complete the rule making process during the first quarter of 2008.  | Barbara Morin, Office of Air Resources, 222-2808, ext. 7012  | Facilities with solvent degreasing operations.                |

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|----------------|--|---|---|---|---|--|
| Amendment      | APC Regulation No. 23<br>“Control Of Perchloroethylene Emissions From Dry Cleaning Operations” | Modify control requirements for dry cleaners so they are consistent with Federal requirements.  | RIGL Chapter 23-23  | DEM expects to complete the rule making process during the first quarter of 2008. | Barbara Morin, Office of Air Resources, 222-2808, ext. 7012 | Dry cleaners.  |
| New regulation | Portable Fuel Container Spillage Control   | Promulgate new regulation consistent with the OTC model to minimize emissions from portable fuel containers.  | RIGL Chapters 23-23(12) & 42-35 (APC regulation No. 44)   | DEM expects to complete the rule making process during the first quarter of 2008. | Barbara Morin, Office of Air Resources, 222-2808, ext. 7012 | Businesses that manufacture &/or sell portable fuel containers & consumers of such products.   |
| New regulation | Chemical Accidental Release Prevention Program   | Implement state planning requirements for accidental release prevention. (Similar to federal requirements but will respond to state-specific issues.) | RIGL Chapters 23-23 (5)12 & 42-35 (APC Regulation No. 40) | DEM expects to complete the rule making process during the first quarter of 2008. | Gina Friedman, Office of Air Resources, 222-4700, ext. 7016 | Industrial facilities that store toxic or flammable substances, members of the public who reside near such facilities, & administrators of schools, hospitals, etc. in the vicinity of such industrial facilities. |